

REMARKS

In the Office Action dated December 8, 2008, all of the pending claims (1-48) were rejected. With this amendment, claims 1, 15, 26 and 37 are amended. Claims 1-10 and 12-48 are presented for reconsideration and allowance.

Claims 1-48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Maahs (U.S. 5,846,260), hereinafter Maahs '260, in view of Tanner et al. (U.S. 6,635,066), hereinafter Tanner '066, and further in view of Corcoran et al. (U.S. 6,656,206), hereinafter Corcoran '206. Independent claims 1, 15, 26 and 37 are amended to further distinguish the presently claimed invention over the references on record. Specifically, claims 1, 15, 26 and 37 are amended to require a sheet extending between the ribs and forming a sack shaped barrier supported by the ribs that is closed at the proximal end and extends toward the distal end a distance sufficient to close an entrance to the left atrial appendage and to prevent blood from entering or exiting the left atrial appendage.

In Maahs '260, balloon 76 or foam 82 is at best extending between two sides on a single strut 75 in order to fill a notch located in a given strut (shown in FIG. 10), but balloon 76 or foam 82 fails to extend between struts 74, 75 to form a sack shaped barrier supported by struts 74, 75. In fact, Maahs '260 more accurately teaches away from balloon from forming a sack shaped barrier that is closed at the proximal end and extends toward the distal end a distance sufficient to close an entrance to the left atrial appendage thereby preventing blood from entering or exiting the left atrial appendage thereby. Maahs '260 emphasizes the need to *prevent* impairment of blood flow, which is why filter mesh 80 is taught as extending between struts 74, 75 instead of balloon 76 or foam 82. Neither Tanner '066 nor Corcoran '206 supply the teachings missing from Maahs '260 and therefore, claims 1, 15, 26 and 37 are allowable over a combination of these references. If an independent claim is nonobvious, then any of the claims depending therefrom are likewise nonobvious. *See* MPEP § 2143.03 (*citing* In re Fine, 5. U.S.P.Q2d (BNA) 1596 (Fed. Cir. 1998)). Since claims 1, 15, 26 and 37 are allowable over the references on record, so too are dependent claims 2-10, 12-14, 16-25, 27-36 and 38-48.

In view of the foregoing, all of the pending claims (1-10 and 12-48) are believed to be in a condition for allowance. Notice to that effect is respectfully requested. The Commissioner is

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hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any overpayments to Deposit Account No. 11-0982.

Respectfully submitted,

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